



U.S. PROBATION & PRETRIAL SERVICES
Middle District of Tennessee

memorandum

Date: January 9, 2024
From: Taylor Stewart
U.S. Probation Officer
Subject: Josiah Ernesto Garcia
Docket No.: 3:23CR00081
To: Honorable Waverly D. Crenshaw, Jr.
Chief U.S. District Judge

Monitoring Software

On April 13, 2023, the defendant appeared before the Honorable Jeffery S. Frensley, U.S. Magistrate Judge, for an initial appearance hearing as a result of being charged with Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire. On April 19, 2023, the defendant appeared before Judge Frensley for a detention hearing and the Court ordered his conditional release be stayed until April 20, 2023. On April 20, 2023, the stay of release was lifted, and the defendant was released by Your Honor to pretrial services supervision and other conditions. Courtesy supervision is provided by Dennis McCafferty, United States Probation Officer (USPO), in the Southern District of Ohio.

On January 8, 2024, this officer contacted USPO McCafferty to obtain information regarding the computer software used to monitor the defendant's internet usage. USPO McCafferty explained the defendant does not have a personal computer; however, he has been utilizing the assistance of his third-party custodian, Heather Diaz, when he needs to access the internet. Contact is maintained with Ms. Diaz to confirm the defendant has not been using her devices to access the internet, aside from educational purposes. The defendant plans to purchase a computer within the next week to prepare to begin school at Columbus State University in Columbus, Ohio, on January 15, 2024. USPO McCafferty confirmed that once the defendant obtains a computer, monitoring software will be installed to monitor his activity as ordered by the Court. For computer monitoring, Southern District of Ohio utilizes the national contract through Internet Probation & Parole Control (IPPC) software that will be installed on the defendant's computer to monitor all internet activity. The Southern District of Ohio has a cybercrimes specialist who performs the installation, monitoring, and review of the computer activity. USPO McCafferty will remain in contact with Pretrial Services in the Middle District of Tennessee regarding any computer usage not approved according to the defendant's release conditions.

Approved:

Kimberly J. Haney
Supervisory U.S. Probation Officer